



## Laos

### Country Reports on Human Rights Practices - [2004](#)

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The Lao People's Democratic Republic is an authoritarian, Communist, one-party state ruled by the Lao People's Revolutionary Party (LPRP). Although the 1991 Constitution, amended in 2003, outlines a system composed of executive, legislative, and judicial branches, in practice, the LPRP continued to control governance and the choice of leaders at all levels through its constitutionally designated "leading role." In 2002, the National Assembly reelected the President and Vice President and ratified the President's selection of a prime minister and cabinet. The judiciary was subject to executive influence.

The Ministry of Public Security (MoPS) maintains internal security, but shares the function of state control with the Ministry of Defense's security forces and with party and popular fronts (broad-based organizations controlled by the LPRP). The Ministry of Foreign Affairs, with MoPS support, is responsible for oversight of foreigners. The MoPS includes local police, immigration police, security police (including border police), and other armed police units. Communication police are responsible for monitoring telephone and electronic communications. The armed forces are responsible for external security, but also have domestic security responsibilities that include counterterrorism and counterinsurgency activities and control of an extensive system of village militias. The LPRP, and not the Government, exercised direct control of the security forces. This control was generally effective, but individuals and units within the security forces on occasion acted outside the LPRP's authority. Some members of the security forces committed serious human rights abuses.

The country is extremely poor, with an estimated population of 5.7 million. The economy is overwhelmingly agricultural, with 85 percent of the population engaged in subsistence agriculture. The sharp income inequality between participants in the monetary economy and those in the subsistence economy was demonstrated by the fact that the mean annual per capita income was \$330 and the per capita gross domestic product was estimated at \$1,700. The country has emerged as a market economy, but the Government continued to play a key role in economic planning. It officially welcomed foreign investment and was gradually strengthening its legal framework, including laws to protect property and individual rights, but a reluctance to embrace far reaching reforms has slowed the process. The country was heavily dependent on official foreign aid, which accounted for as much as 18 percent of GDP. Many families relied heavily on remittances from family members living or working abroad.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens did not have the right to change their government. Members of the security forces abused detainees, especially those suspected of insurgent or anti-government activity. The Government continued to pursue remnant bands of insurgents, resulting in an unknown number of civilian and military casualties. Prisoners were sometimes abused and tortured and prison conditions were harsh and sometimes life threatening. Police used arbitrary arrest, detention, and surveillance. Lengthy pretrial detention and incommunicado detention occurred frequently. The judiciary was subject to executive, legislative, and LPRP influence, was corrupt, and did not ensure citizens due process. The Government infringed on citizens' privacy rights and restricted freedom of speech, the press, assembly, and association. The Government continued to restrict freedom of religion, and police and provincial authorities arrested and detained approximately 30 Christians, although most of them were released after short periods of detention. At year's end, three members of religious communities were in custody or under arrest for their religious beliefs. In some areas, local authorities continued to pressure ethnic minority Protestant communities to renounce their faith. Christians were expelled from their villages for refusing to renounce their religion. Authorities in some areas refused requests from Christian congregations to build new churches or to reopen closed churches, and refused permission for congregations to hold home worship services. The Government imposed some restrictions on freedom of movement. Societal discrimination against women and minorities persisted, although the Government supported a policy of encouraging greater rights for women, children, persons with disabilities, and minorities. Trafficking in women and children was a problem. The Government restricted some worker rights.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

In August, an ethnic Hmong man died while under incarceration, allegedly as the result of beatings by police (see Section 1.c.).

There were no new developments in the 2003 case of the Christian and former policeman in Attapeu Province who was allegedly killed by police.

Since 2002, a series of attacks on buses by suspected insurgents and counterinsurgency operations by the military have resulted in an unknown number of deaths of civilians and military forces. Many of these deaths occurred among the ethnic Hmong insurgents. According to the testimony of two alleged witnesses, on May 19 in the Saisomboun Special Zone, Lao People's Army (LPA) soldiers attacked a group of Hmong gathering food for an insurgent camp. Five youths--four girls and one boy--were killed. One of the alleged witnesses reported that the soldiers raped the girls before killing them. After the attack, the bodies were documented with video footage taken by this witness. The Government at first denied that the incident took place. It later reported to the U.N. Special Rapporteurs that its internal investigation of the incident had determined that it was a "fabrication." The veracity of the incident remained undetermined.

The Government promised insurgents who surrendered to authorities food, medicine, and resettlement assistance. In February and March, between 700 and 800 insurgents and their families surrendered in Xieng Khouang, Vientiane, and Luang Prabang Provinces and the Saisomboun Special Zone. They were resettled in Luang Prabang Province and in a remote area of Xieng Khouang Province. Another small insurgent band surrendered in northern Vientiane Province in late September. Government forces reportedly pursued those insurgent elements that did not surrender, and fighting between insurgents and Government security forces continued through the year. There were reports that insurgent bands in Xieng Khouang, Luang Prabang, and Bolikhamxai Provinces and in the Saisomboun Special Zone suffered numerous casualties. Many of these casualties were reportedly women and children.

A wave of small-scale bombings that began in 2003 continued during the year. Several small explosions in Vientiane and Savannakhet Cities caused some property damage and resulted in some injuries. One death, reportedly of an intending bomber, occurred when a bomb exploded prematurely. A group calling itself the Free Democratic Government Committee of the Lao People claimed responsibility for these explosions, which were apparently designed to attract international attention. Many of the explosions occurred at visible tourist sites and sometimes coincided with major festivals and events, such as the Association of Southeast Asian Nations (ASEAN) Tourism Forum in Vientiane in February and the ASEAN Summit in November.

#### b. Disappearance

According to sources, police allegedly were involved in the January disappearance of an ethnic Hmong schoolteacher, Cher Wa Yang, in the Saisomboun Special Zone. Witnesses reported seeing him in a remote area in an altercation with police just before his disappearance. His motorcycle was later recovered from a reservoir, but his body was not found. At year's end, Saisomboun officials reported the disappearance was still under investigation.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Penal Code prohibit torture. In practice, members of the police and security forces sometimes subjected prisoners, especially those suspected of associations with the insurgency, to torture and other abuses; however, there were anecdotal reports that abuse has decreased in recent years. Detainees sometimes were subjected to beatings, long-term solitary confinement in completely darkened rooms, and in many cases were detained in leg chains or wooden stocks for long periods. Former inmates in prisons have reported that chaining and manacled prisoners, degrading treatment, and solitary confinement in small unlit rooms were standard forms of punishment in larger prisons, while smaller provincial or district prisons employed manacles and chains as a means of preventing prisoners from escaping.

Prison conditions vary widely, but in general are harsh and on occasion life threatening. Prisoners in larger, state-run facilities in Vientiane generally fared better than those in provincial prisons, and the Office of the Prosecutor General (OPG) has had some success in bringing about improved conditions in these larger facilities, including better treatment by guards. In all facilities, food rations were minimal, and most prisoners relied on their families for their subsistence. Most larger facilities allowed prisoners to grow supplemental food in small vegetable gardens. Prison wardens set prison visitation policies. Consequently, in some facilities families could make frequent visits, but in others, visits were severely restricted. Credible reports indicated that ethnic minority prisoners and some foreign prisoners, especially Africans, were treated particularly harshly. Incommunicado detention was used as an interrogation device and against perceived problem prisoners; however, there have been fewer reports of its use in recent years.

Although most prisons had some form of clinic, usually with a doctor or nurse on staff, medical facilities were extremely poor, and in practice medical treatment was unavailable. In some facilities prisoners could arrange treatment in outside hospitals if they could pay for the treatment and the expense of a police escort.

In August, police in Vientiane Province reportedly arrested an ethnic Hmong man, Khoua Lee Her, formerly village chief of Ban Houay Yang village in Houaphanh Province, suspected of having harbored villagers involved in armed attacks against LPA soldiers in October 2003. Authorities transferred Her to Houaphanh Province, where in mid-August he died while incarcerated, allegedly as the result of beatings by police.

Prison conditions for women were similar to those for men. Prisons held both male and female prisoners, although they were placed in separate cells.

In some prisons, juveniles were housed with adult prisoners. The Government has proposed constructing a separate juvenile detention center, but international organizations have advocated that the Government establish segregated facilities for juveniles within existing facilities to avoid having juveniles incarcerated far away from their homes.

The Government has provided limited access to some detention facilities to nongovernmental organization (NGO) and U.N. personnel monitoring the status of juveniles in the prison system and has given representatives of foreign governments limited access to provincial prisons; however, the Government did not permit independent monitoring of prison conditions, including by foreign individuals or organizations. The International Committee of the Red Cross (ICRC) continued its longstanding efforts to establish an official presence in the country to carry out its mandate of monitoring prison conditions; however, by year's end the Government had not granted the ICRC's request.

#### d. Arbitrary Arrest or Detention

The Constitution and law prohibit arbitrary arrest and detention; however, in practice, the Government did not respect these provisions, and arbitrary arrest and detention remained problems. Police sometimes used arrest as a means of intimidation or to extract bribes. Police exercised wide latitude in making arrests, relying on exceptions to the requirement for arrest warrants for those persons in the act of committing a crime or for "urgent" cases. Incommunicado detention was a problem; however, it was used less frequently than in the past (see Section 1.c). There is a 1-year statutory limit for detention without trial; the length of detention without a pretrial hearing or formal charges by law also is limited to 1 year. The OPG has reportedly made efforts to ensure all prisoners were brought to trial within the 1-year limit, but these limits often were ignored. The OPG must authorize police to hold a suspect pending investigation. Authorization is given in 3-month increments, and, in theory, after a maximum of 1 year, a suspect must be released if police do not have sufficient evidence to bring charges. Access to family members and a lawyer was not assured. There is a bail system, but its implementation was arbitrary and in practice often amounted to a bribe to prison officials for the prisoner's release. A statute of limitations applies to most crimes. In practice, alleged violations of criminal laws have led to lengthy pretrial detentions without charge and minimal due process protection of those detained. Authorities sometimes continued to detain prisoners after they had completed their sentences, particularly in cases where prisoners were unable to pay court fines.

During the year, government authorities arrested and detained approximately 30 Christians, compared with approximately 50 Christians arrested the previous year. In January, authorities in Attapeu Province released 11 Christians who had been detained in December 2003 on suspicion of possessing "poisons;" however, their detention appears to have been for their religious activities. In April and May, authorities in Savannakhet Province detained 12 ethnic Brou Christians for religious activities, releasing them on May 28. In July, authorities in northern Vientiane Province arrested four ethnic Khmu Christians, allegedly for their involvement in a scam to buy tractors in which villagers lost several hundred dollars. The four men were released on December 23. In August, police in Luang Namtha Province arrested two ethnic Mien Christians for proselytizing; they were released in November. A Christian pastor in Savannakhet was arrested in October and was still in detention at year's end. In most cases, religious detainees were released shortly after their arrest, but the detentions often had a negative effect on religious activity of local Christian communities. According to confirmed reports, there was one untried religious detainee at year's end.

Police continued to arrest without charges any persons suspected of involvement with the insurgency. In August, police in Vientiane Province reportedly arrested an ethnic Hmong man, Khoua Lee Her. Reportedly Khoua Lee Her was suspected of having harbored villagers involved in armed attacks against LPA soldiers in October 2003(see Section 1.c.). An ethnic Hmong couple arrested in Vientiane Province in mid-2003 on suspicion of involvement with the insurgency was released in March, with no charges filed. In October, authorities released two ethnic Hmong youth from Samkhe prison. The two had been detained in Saisomboun Province in 2001 on suspicion of involvement with the insurgency and held without trial.

Unlike in previous years, there were no reports of police administratively overruling court decisions by detaining exonerated individuals. Local police at times continued to detain persons who had been ordered released by higher authorities.

There were no known instances of the police being reprimanded or punished for such behavior. The OPG has made efforts to encourage police to abide by the law in regard to the detention of suspects, but acknowledged that police continued widely to ignore these provisions.

An unknown number of persons were in detention for suspicion of violations of criminal laws concerning national security, particularly persons suspected of insurgent activities. In the past, security-related laws were sometimes applied to routine criminal actions to justify long periods of incarceration without trial.

#### e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary and the OPG; however, senior government and party officials influenced the courts, although to a lesser degree than in the past. Impunity was a problem, as was corruption. Reportedly, some judges can be bribed. Under the 2003 amendments to the Constitution, the National Assembly Standing Committee appoints judges for life terms; the members of the National Assembly elect the Standing Committee. The Assembly may remove judges from office for "impropriety." Since 1991, only one judge at the district level has been removed for improper behavior.

Under the amended Constitution, the People's Courts have four levels: District courts, municipal and provincial courts, the Court of Appeals, and the Supreme People's Court. During the year, the Supreme Court established a Commercial Court, Family Court, and Juvenile Court. However, only the Commercial Court had begun hearing cases by the end of the year. Decisions of the lower courts are subject to review by the Supreme Court, but decisions by military courts are not subject to the Supreme Court's review. Both defendants and prosecutors in civilian courts have the right to appeal an adverse verdict. There are instances in which civilians may be tried in the military courts, but this was rare.

The Constitution provides for open trials in which defendants have the right to defend themselves with the assistance of a lawyer or other person. The Constitution requires that the authorities inform persons of their rights. The law states that defendants may have anyone assist them in preparing a written case and accompany them at their trial; however, only the defendant may present oral arguments at a criminal trial. The Lao Bar Association, with a membership of nearly 50 attorneys, operates under the direction of the Ministry of Justice. Its members are private attorneys that court litigants may select for trials. For several reasons, including lack of funds, a shortage of attorneys, and a general perception that attorneys cannot affect court decisions, most defendants did not have attorneys or trained representatives. Under the law defendants enjoy a presumption of innocence; however, in practice, trial judges usually decided a defendant's guilt or innocence in advance, basing their decisions on the result of police or Prosecutor's Office reports. Reliance on these reports created a presumption that the defendant was guilty. Most trials were little more than pro forma examinations of the accused, with a verdict having already been reached. Most criminal trials ended in convictions. Trials that involved some criminal laws relating to national security, state secrets, children under the age of 16, or certain types of family law were closed.

Most of the country's 450 judges had only basic legal training, and many had few or no references upon which to base their decisions. The National Assembly's Legal Affairs Committee occasionally reviewed Supreme Court decisions for "accuracy" and returned cases to the Court or the OPG for review when it felt a decision had been reached improperly.

In June 2003, police in Xieng Khouang Province arrested two foreign journalists, their foreign translator, and their three ethnic Hmong porters on charges of having conspired with ethnic Hmong villagers in the killing of a local militia villager. Two of the three porters remained in prison at year's end despite criticism from human rights groups. A third member of the group escaped from custody.

In addition to the unknown number of short- and long-term political detainees (see Section 1.d.), there were eight known political prisoners. Two former Royal Lao Government officials arrested in 1975, Colonel Sing Chanthakoumane and Major Pang Thong Chokbengvoun, were serving life sentences after trials that were not conducted according to international standards. Two former government officials, Latsami Khamphoui and Feng Sakchittaphong, were arrested in 1990 for advocating a multiparty system and criticizing restrictions on political liberties and were not tried until 1992. They were released in early October after 14 years of confinement in a reeducation camp, but authorities continued to detain them under loose house arrest. The two were allowed finally to travel to Vientiane and rejoin their families on December 4, and the Government offered no objection to their departure from the country if they chose to travel abroad. Five persons arrested in October 1999 for attempting to organize a pro-democracy demonstration in Vientiane were tried and given long sentences, later reduced on review by the OPG to 5 to 10 years, for anti-government activities. According to witnesses, one of these five, Khamphouvieng Sisa-at, died in Samkhe prison in late 2001 as a result of punishment by camp guards. The Government has not responded to inquiries from the international community and human rights organizations regarding Khamphouvieng Sisa-at's death.

Other political prisoners may have been arrested, tried, and convicted under laws relating to national security that prevent public court trials; however, the Government was silent on the matter, and there was no reliable independent method to ascertain accurately their total number.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government limits citizens' privacy rights, and the Government's surveillance network is vast. Security laws allow the Government to monitor individuals' private communications (including e-mail and cell phones) and movements.

The Constitution prohibits unlawful searches and seizures; however, police at times disregarded constitutional requirements to safeguard citizens' privacy, especially in rural areas. By law, police must obtain search authorization from a prosecutor or court; however, in practice, police did not always obtain prior approval. The Penal Code generally protects privacy, including that of mail, telephone, and electronic correspondence; however, the Government often violated these legal protections.

MoPS monitored citizens' activities; in addition, an informal militia in both urban and rural areas, operating under the aegis of the military, had responsibility for maintaining public order and reporting "undesirable elements" to the police. The militia usually was more concerned with petty crime and instances of moral turpitude than with political activism, although in remote rural areas where the insurgency was active, the militia also played a role in providing security against insurgents and robbers. Members of the LPRP's many "front" organizations, including the Lao Women's Union, the Youth Union, and the Lao Front for National Construction (LFNC), serve as watchdogs over the citizenry at all levels of society. MoPS also maintains a network of secret police whose job is to monitor the citizenry in order to prevent acts that threaten the Government.

Although the Government permitted the public sale of leading foreign magazines and newspapers, restrictions on publications mailed from overseas were enforced, albeit loosely (see Section 2.a.).

There were six Internet service providers. The Prime Minister's Office has stated that it intended to monitor and control more actively Internet communications by the country's nearly 4,000 subscribers; however, most Internet sites, including those critical of the Government, were accessible to users. More than 40 Internet cafes in Vientiane and other larger towns catered to foreigners, but were also accessible to citizens.

During the year, the Government continued its program to relocate highland slash-and-burn farmers, most of whom belong to ethnic minority groups, to lowland areas, in keeping with the Government's plan to end opium production by 2005 and slash-and-burn agriculture by 2010. District and provincial officials used persuasion and, in some cases, verbal orders to encourage villages to relocate, especially in the northern provinces. Although the Government's resettlement plan called for compensating farmers for lost land and resettlement assistance, this assistance was not available in many cases, or was insufficient to give relocated farmers the means to adjust to their new homes and new way of life. Moreover, in some areas, farmland allocated to relocated villagers was of poor quality and unsuited for intensive rice farming. The result was that in some districts relocated villagers experienced increased poverty, hunger, malnourishment, susceptibility to disease, and increased mortality rates. The Government relied on assistance from NGOs, bilateral donors, and international organizations to cover the needs of those recently resettled, but such assistance was not available in all areas.

On October 16, district authorities and military in Thathom district of the Saisomboun Special Zone ordered nearly 70 ethnic Khmu Christians in Phiengsavat village to leave the province. The Christians were given only minutes to prepare, forcing them to leave behind nearly all their personal possessions. The group was transported by military truck to neighboring Bolikhamsai Province, where they were left near the district capital of Bolikhan with no provisions. On October 23, military trucks from Bolikhamsai Province transported the group to Sayaboury Province, which the Khmu had left in 2000. Sayaboury officials arranged for the group to resettle in Luang Prabang Province. Although central government sources claimed the group was expelled because they had resettled in Thathom illegally, religious sources noted only Christians were forced to leave, while other recent immigrants were allowed to remain in Phiengsavath.

The Government allowed citizens to marry foreigners, but only with prior approval. Premarital cohabitation was illegal. Although the Government routinely granted permission to marry, the process was lengthy and burdensome and offered officials the opportunity to solicit bribes. Marriages to foreigners without government approval could be annulled, with both parties subject to arrest or fines.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government severely restricted political speech and writing in practice. The Government also prohibited most criticism that it deemed harmful to its reputation. The Penal Code forbids slandering the State, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the State. Citizens who lodged legitimate complaints with government departments generally did not suffer reprisals, but criticism of a more general nature, or targeting the leadership, could lead to censure or arrest.

All domestic print and electronic media are state-owned and controlled. Local news in all media reflected government policy. Television talk shows and opinion articles referred only to differences in administrative approaches. Although domestic television and radio broadcasts were closely controlled, the Government made no effort to interfere with television and radio broadcasts from abroad. In practice, many citizens routinely watched Thai television or listened to Thai radio, including news broadcasts. Citizens had 24-hour access to Cable News Network and the British Broadcasting Corporation, as well as other international stations accessible via satellite and cable television. The Government required registration of receiving satellite dishes and a one-time licensing fee for their use, largely as a revenue-generating scheme, but otherwise made no effort to restrict their use. In addition, a Chinese-owned company provided cable television service to subscribers in Vientiane. This government-registered cable service offered Thai and international news and entertainment programs without restriction from authorities. A few Asian and Western newspapers and magazines were available through private outlets that had government permission to sell them.

Foreign journalists must apply for special visas and generally were accompanied by an official escort. Although such visas normally were granted, persons traveling on journalist visas were restricted in their activities. The authorities did not allow journalists free access to information sources, but some journalists were allowed to travel without an official escort. In cases where an escort was required, journalists must pay a daily fee for their services. The Government established special procedures for journalists covering the 10th ASEAN Summit in November in Vientiane. These procedures did not require journalists to have an escort, but did require them to register with the Ministry of Foreign Affairs if they wished to report stories other than the ASEAN Summit meeting.

The authorities also prohibited the dissemination of materials deemed to be indecent, to undermine the national culture, or to be politically sensitive. Any person found guilty of importing a publication deemed offensive to the "national culture" faced a fine or imprisonment for up to 1 year. The Prime Minister's Decree on the Administration and Protection of Religious Practice (Decree 92), promulgated in 2002, permits the publication of religious material with permission from the LFNC. In practice, although several religious groups have sought such permission, no Christian or Baha'i groups received authorization to publish religious material by year's end (see Section 2.c.).

Films and music recordings produced in government studios must be submitted for official censorship; however, foreign films

and music were easily available in video and compact disc format. The Ministry of Information and Culture has attempted repeatedly to impose restrictions aimed at limiting the influence of Thai culture in Lao music and entertainment. These restrictions were widely ignored and appeared to have little effect.

The Government controlled all domestic Internet servers and occasionally blocked access to those Internet sites that were deemed pornographic or were critical of government institutions and policies. The Government also sporadically monitored e mail. Highly restrictive regulations regarding Internet use by citizens significantly curtail freedom of expression. "Disturbing the peace and happiness of the community" and "reporting misleading news" are criminal acts. In 2003, the Prime Minister's Office consolidated government control over Internet service (see Section 1.f.). However, the Government's ability to enforce such regulations was limited.

The Constitution provides for academic freedom; however, the Government restricted it, although over the past several years, it has relaxed its restrictions in certain areas. Curriculum in schools, including private schools and colleges, is tightly controlled by the Ministry of Education to ensure that no subjects are taught that might raise questions about the political system. Both citizen and noncitizen academic professionals conducting research in the country may be subject to restrictions on travel and access to information and Penal Code restrictions on publication. As the sole employer of virtually all academic professionals, the Government exercised some control over their ability to travel for research or to obtain study grants; however, the Government, which once limited foreign travel by professors, actively sought such opportunities worldwide and approved virtually all such proposals.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The Penal Code prohibits participation in an organization for the purpose of demonstrations, protest marches, or other acts that cause "turmoil or social instability." Such acts are punishable by a prison term from 1 to 5 years. If defendants were tried for crimes against the State, they could face sentences of up to 20 years or possible execution.

The Constitution provides citizens with the right to organize and join associations; however, the Government restricted this right in practice. The Government registered and controlled all associations and prohibited associations that criticized the Government. Political groups other than popular front organizations approved by the LPRP were forbidden. Although the Government restricted many types of formal professional and social associations, informal nonpolitical groups met without hindrance. The Government has quietly allowed the creation of some associations of a business nature; for example, allowing hotel owners and freight forwarders to create their own business associations.

#### c. Freedom of Religion

The Constitution provides for freedom of religion; however, the authorities, particularly at the local level, interfered with this right in practice.

In 1999, two members of the Lao Evangelical Church, Nyoht and Thongchanh, were arrested in Oudomsai Province and charged with treason and sedition, although their arrests appear to have been for their proselytizing activities. Nyoht was sentenced to 12 years in prison and Thongchanh to 15 years. Both men remained in prison at the end of the year.

Although the state is secular, the Party and the Government paid close attention to Theravada Buddhism, which was followed by more than 40 percent of the population and was the faith of nearly all of the country's ethnic Lao population. The Constitution does not recognize a national religion, but the Government's support for and oversight of temples and other facilities and its promotion of Buddhist practices gave Buddhism an elevated status among the country's religions.

There are two semi-religious government-recognized holidays--Boun That Luang and the end of Buddhist Lent--that are also major political and cultural celebrations. The Government recognized the popularity and cultural significance of Buddhist festivals, and most senior officials openly attended them.

The Constitution prohibits "all acts of creating division of religion or creating division among the people." The LPRP and Government interpreted this section as inhibiting religious practice by all persons, including the Buddhist majority and a large population of animists. Although official pronouncements acknowledged the positive benefits of religion, they also emphasized its potential to divide, distract, or destabilize. The Constitution notes that the State "mobilizes and encourages" Buddhist monks and novices and priests of other religions to participate in activities "beneficial to the nation and the people."

The authorities continued to be suspicious of non-Buddhist religious communities, including some Christian groups, in part because these faiths did not share Theravada Buddhism's high degree of direction and incorporation into the government structure. Some authorities have in the past criticized Christianity in particular as a Western or imperialist "import." Local authorities, apparently in some cases with encouragement from some officials in the central Government or Communist Party, singled out Protestant groups as a target of abuse. Protestant churches' rapid growth since the early 1990s, contact with religious groups abroad, aggressive proselytizing on the part of some members, and independence of central government control all have contributed to Government and Communist Party suspicion of the churches' activities.

In 2002, the Prime Minister's Office issued a Decree on the Administration and Protection of Religious Practice. The decree, which has the effect of law, is designed to specify clearly the range of activities permitted religious groups or practitioners. The decree permits minority religious groups to engage in a number of activities that previously had been considered illegal, such as proselytizing and printing religious material; however, it requires religious groups or individuals to obtain permission in advance for these activities, in most cases from the LFNC, the party-controlled organization that oversees religious issues on behalf of the Government. Although the intent of the decree is to clarify the rights and responsibilities of religious groups, many minority religious leaders complained that the decree was too restrictive in practice. The requirement that religious groups obtain permission, sometimes from several different offices, for a broad range of activities greatly limited the freedom of these groups.

Between 250 and 300 Protestant congregations conducted services throughout the country. The LFNC has recognized two Protestant groups: the Lao Evangelical Church (LEC)(the umbrella Protestant church) and the Seventh-day Adventist Church. Nominally all Protestant congregations in the country belong to one of these two organizations, although in practice some congregations operated independently. Both the LEC and the Seventh-day Adventist Church own properties in Vientiane and other cities.

In most parts of the country, members of long-established congregations had few problems in practicing their faith, although long-time congregations in some parts of Savannakhet and Luang Prabang Provinces continued to face restrictions from local authorities. The majority of incidents of harassment of Christian congregations took place in areas where Christianity had only recently spread. The authorities sometimes advised new congregations to join other religious groups with similar historical roots, despite clear differences between the groups' beliefs. Decree 92 establishes procedures for new denominations to register with the LFNC. However, in March the National Front issued guidance to provincial and district National Front offices indicating that all Protestant groups must operate under the umbrella of the LEC or the Seventh-day Adventist Churches. In spite of this guidance, the authorities allowed several congregations not affiliated with the LEC or Seventh-day Adventists to continue their worship unhindered.

The Government's tolerance of religion varied by region. The LFNC often sought to intervene with local governments in cases where minority religious practitioners, particularly Christians, had been harassed or mistreated; however, incidents of religious intolerance by local officials continued in some areas. Although authorities in a few urban areas, notably Vientiane City, Savannakhet, and Pakse, were relatively tolerant of Christian religious practice, government authorities in many regions restricted the practice of properly registered religious groups. Officials in some areas of Savannakhet, Attapeu, Vientiane, Bolikhamsai, and Luang Namtha Provinces arrested and detained some religious believers without charges (see Section 1.d.). In addition, Christians in some areas of Savannakhet Province were pressured to renounce their faith. Local officials threatened to withhold government identification cards and household registers and to deny educational benefits to those who did not comply.

The Roman Catholic Church was unable to operate effectively in the highlands and much of the north, and the Catholic Church in the northern part of the country was largely moribund. The small Catholic communities in Luang Prabang, Sayaboury, and Bokeo Provinces sporadically held services in members' homes, but there were no priests in the area and pastoral visits from Vientiane were infrequent. However, the Church had an established presence in five of the most populous central and southern provinces, where Catholics were able to worship openly. There were three bishops, one each in Vientiane, Thakhek, and Pakse, as well as a fourth bishop for Luang Prabang who resided in Vientiane and traveled infrequently to his bishopric.

During the year, local authorities arrested or detained approximately 30 Christians, in most cases releasing them within weeks.

The Government generally permitted major religious festivals of established congregations to be held without hindrance. During the year, there were no reports of authorities restricting the celebration of major religious holidays by Christian congregations.

Followers of the Baha'i faith were able to practice their religion without hindrance in Vientiane City, but in Savannakhet and Khammouane Provinces, small groups of Baha'i continued to face restrictions from local authorities. The small Muslim community in Vientiane, made up almost exclusively of foreign nationals, was able to practice its religion without hindrance.

Animists generally experienced no interference from the Government in their religious practices, which varied extensively among the approximately 70 identified ethnic groups and tribes in the country; however, the Government actively discouraged animist practices that it regarded as outdated, unhealthful, or illegal, such as the practice in some tribes of infanticide of infants born with birth defects or of keeping the bodies of deceased relatives in homes.

During the year, officials in Vientiane City closed a house church that had served a small ethnic Khmu community. Officials continued to refuse permission for a Christian congregation in Phone Ngam village, Muang Feuang district, Vientiane Province to reconstruct a church torn down by district officials 2 years earlier. Officials in Savannakhet refused requests by the Christian congregation in Khamsan village that their church building, seized by authorities several years earlier, be returned to them. Elsewhere, authorities continued to deny requests by local congregations to construct permanent church buildings. Authorities in some areas continued to use intimidation or threats of expulsion to force Christians to renounce their religious faith, particularly in parts of Savannakhet, Attapeu, Bolikhamsai, and Luang Prabang Provinces. On October 16, district authorities and military in Thathom district of the Saisomboun Special Zone ordered nearly 70 ethnic Khmu Christians in Phiengsavat village to leave the province (see Section 1.f.).

The LFNC directs the Lao Buddhist Fellowship Association. Since 1996, monks studying at the National Pedagology School



were no longer required to study Marxism-Leninism as part of their curriculum, and the integration of Communist ideology into Buddhist instruction has waned greatly in recent years. Some temples have been permitted to receive support from Theravada Buddhist temples abroad, to expand the training of monks, and to focus more on traditional teachings. In addition, many monks traveled abroad, particularly to Thailand, for formal religious training.

Reportedly officials in some areas were suspicious of persons who converted to Christianity, but, during the year, there were no reports of the harassment or arrest of recent converts.

The Government strictly prohibited foreigners from proselytizing, although it permitted foreign NGOs with religious affiliations to work in the country. Foreign persons found distributing religious material may be arrested or deported. In April, four American citizens were expelled from Laos for distributing movie CDs with a Christian religious content. Although Decree 92 on Religious Practice permits proselytizing by religious practitioners as long as they obtain permission for such activities from the LFNC, the National Front has not granted such permission, and persons found evangelizing risked harassment or arrest. In August, officials in Muang Long district of Luang Namtha Province arrested two ethnic Yao Christians for proselytizing among local Yao villages.

The Government permits the printing, import, and distribution of Buddhist religious material, but has made no such concessions to the printing or import of religious material and literature by non-Buddhist faiths. Decree 92 authorizes the printing of religious material, provided permission is obtained from the LFNC, but the LFNC has not granted such permission to Christian congregations. The Government required and usually granted permission for formal links with coreligionists in other countries; however, in practice, the distinction between formal and informal links was unclear, and relations with coreligionists generally were established without much difficulty (see Section 2.a).

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Migration, and Repatriation

The Constitution provides for these rights; however, the Government restricted some of them in practice. Citizens who traveled across provincial borders are not required to report to authorities; however, in designated security zones, roadblocks and identity card checks of travelers were conducted occasionally. Citizens who sought to travel abroad were required to apply for an exit visa. The Government usually granted such visas; however, officials at the local level have denied permission to apply for passports and exit visas to some persons seeking to emigrate. Access by foreigners to certain areas, such as the Saisomboun Special Zone, an administrative area operated by the military forces, or remote districts in Xieng Khouang and Bolikhamsai Provinces, where anti-government insurgents continue to operate, was restricted.

The Government did not use forced exile; however, a small group of persons, who fled the country during the change in government in 1975 and were tried in absentia for anti-government activities, did not have the right of return.

Between 1980 and 1999, more than 29,000 citizens who sought refugee status in Thailand, China, and other countries returned to Laos for permanent resettlement under monitoring by the U.N. High Commissioner for Refugees (UNHCR). Other persons who had fled the country after 1975 have returned from abroad to resettle voluntarily, outside the oversight of the UNHCR. In general, returnees have been subject to greater scrutiny by the authorities than other citizens. Nevertheless, many who fled after the change of government in 1975 have visited relatives, some have stayed and gained foreign resident status, and some have reclaimed citizenship successfully. Some refugee returnees carry government-issued identification cards with distinctive markings, ostensibly for use by authorities. Such cards tend to reinforce a pattern of societal discrimination against the returnees.

The Constitution provides for asylum and the protection of stateless persons under the law, but the country is not a signatory to the 1951 Refugee Convention or its 1967 Protocol. In practice, the Government did not provide protection against refoulement, the return of persons to a country where they feared persecution, and did not routinely grant refugee or asylum status.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Although the 1991 Constitution, amended in 2003, outlines a system composed of executive, legislative, and judicial branches, the LPRP continued to control governance and the leadership at all levels through its constitutionally designated "leading role." The Constitution provides for a representative National Assembly, elected every 5 years in open, multiple-candidate, fairly tabulated elections, with voting by secret ballot and universal adult suffrage; however, it legitimizes only a single party, the LPRP. Election committees, appointed by the National Assembly, must approve all candidates for local and national elections. Candidates need not be LPRP members, but, in practice, almost all were. There is a widespread public perception that many officials of the executive branch are corrupt.

The National Assembly chooses a standing committee generally based on the previous standing committee's recommendation. Upon the committee's recommendation, the National Assembly elects or removes the President and Vice President. The standing committee also has supervision of administrative and judicial organizations and the sole power to recommend presidential decrees. It also appoints the National Election Committee, which has powers over elections (including approval of candidates). Activities of the standing committee were not fully transparent.



The National Assembly, upon the President's recommendation, elects the Prime Minister and other Ministers of the Government. The 109-member National Assembly, elected in February 2002 under a system of universal suffrage, approved the LPRP's selection of the President at its inaugural session in April 2002, and, in the same session, it ratified the President's selection of a new prime minister and cabinet. The National Assembly may consider and amend draft legislation, but only permanent subcommittees of the Assembly may propose new laws. The Constitution gives the right to submit draft legislation to the National Assembly standing committee and the ruling executive structure.

There are no laws providing for public access to government information, and, in general, the government closely guarded the release of any information pertaining to its internal activities, seeing such secrecy as necessary for "national security."

There were 22 women in the 109-member National Assembly. Three members of the 53-member LPRP Central Committee were women, 1 of whom was also a member of the 7-member standing committee in the National Assembly. There were no women in the Politburo or the Council of Ministers.

There were 9 Lao Soung (highland dwelling tribes) and 19 Lao Theung (mid-slope dwelling tribes) in the 109-member National Assembly; most members of the Assembly were ethnic Lao, who also dominated the upper echelons of the Party and the Government. Three cabinet ministers were members of ethnic minority groups.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no domestic nongovernmental human rights organizations, and the Government does not have a formal procedure for registration. Any organization wishing to investigate and publicly criticize the Government's human rights policies would face serious obstacles, if it were permitted to operate at all.

The Government in general does not respond in writing to requests for information on the human rights situation from international human rights organizations; however, the Government has instituted a human rights dialogue with a foreign government and has accepted training in U.N. human rights conventions from several international donors.

The Government maintains contacts with the ICRC; government officials and military officers have received ICRC training on human rights law and the Geneva Conventions. The Government continued to translate international human rights and humanitarian law conventions with ICRC support. During the 1990s, the Government permitted U.N. human rights observers to monitor the treatment of more than 29,000 refugees who returned to the country for resettlement under UNHCR auspices (see Section 2.d.). The UNHCR office in the country closed at the end of 2001, with the Commissioner's determination that the office's monitoring role had been completed and former refugees had been successfully reintegrated; however, since the closing of the UNHCR office, the Government has not permitted UNHCR monitors based in Thailand to conduct monitoring visits to the country.

A human rights unit in the Ministry of Foreign Affairs' Department of International Treaties and Legal Affairs has responsibility for investigating allegations of human rights violations. This unit rarely responded to inquiries regarding individual cases. The Foreign Ministry on occasion responds to inquiries from the U.N. regarding its human rights situation. In August, the Deputy Foreign Minister responded to an inquiry from the U.N. regarding the status and condition of 16 Lao citizens who were extradited from Thailand to stand trial for their part in a politically motivated attack against the Lao customs post at Chong Mek-Vangtao in July 2000.

In the aftermath of the alleged massacre of Hmong villagers in May, the Government refused calls by the international community to conduct a full and transparent investigation. However, the Government did permit limited access by international organizations and NGOs to provide food assistance to former insurgents who had accepted government resettlement offers.

#### Section 5 Discrimination, Societal Abuses and Trafficking in Persons

The Constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. The Government at times took action when well-documented and obvious cases of discrimination came to the attention of high-level officials, although the legal mechanism whereby a citizen may bring charges of discrimination against an individual or organization was neither well developed nor widely understood among the general population.

##### Women

There were reports that domestic violence against women occurred, although it did not appear to be widespread. Spousal abuse is illegal. Rape reportedly was rare. In cases of rape that were tried in court, defendants generally were convicted with penalties ranging from 3 years' imprisonment to execution. Spousal rape is not illegal.

Trafficking in women and girls for prostitution was a problem (see Section 5, Trafficking). Prostitution is illegal, with penalties ranging from 3 months to 1 year in prison.

Sexual harassment was rarely reported, but the actual extent of sexual harassment was difficult to assess. Although sexual harassment is not illegal, "indecent sexual behavior" toward another person is illegal and punishable by 6 months' to 3 years' imprisonment.

The Constitution provides for equal rights for women, and the Lao Women's Union operated nationally to promote the position of women in society. The Family Code prohibits legal discrimination in marriage and inheritance. Discrimination against women was not generalized; however, varying degrees of traditional, culturally based discrimination persisted, with greater discrimination practiced by some hill tribes. Many women occupied responsible positions in the civil service and private business, and in urban areas their incomes were often higher than those of men.

In recent years, the Government increased support for development programs designed to improve the position of women in society, including in the political system. During the year, the National Assembly passed a new Law on Women, with anti-trafficking provisions as well as provisions protecting women and children from domestic violence. The law defines trafficking and violence against women and children as criminal actions and provides for the protection of victims internally and by international agencies. The law closely follows provisions of the UN Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) to both of which the country is signatory.

#### Children

Although the Government has made children's education and health care a priority in its economic planning, funding for children's basic health and educational needs was inadequate, and the country had a very high rate of infant and child mortality. Education is free and compulsory through the fifth grade; however, fees for books, uniforms, and equipment, among other factors, precluded children from rural areas and poor urban families from complying. According to government statistics, 80 percent of primary school-age children, 50 percent of junior high school-age children, and 25 percent of high school-age children were enrolled in school; the U.N. Development Program estimated that almost 40 percent of children never attended school at all and only 10 percent entered secondary school. There was a significant difference in the treatment of boys and girls in the educational system: female literacy was 48 percent versus 70 percent for males; however, men and women attended the national university in approximately equal numbers.

The law prohibits violence against children, and violators were subject to stiff punishments. Reports of the physical abuse of children were rare.

Trafficking in girls for prostitution and forced labor was a problem (see Section 5, Trafficking). Other forms of child labor generally were confined to family farms and enterprises (see Section 6.d.).

#### Trafficking in Persons

The Penal Code prohibits abduction and trade in persons as well as detaining persons against their will, procuring, and prostitution; however, trafficking in persons, particularly women and children, was a problem. The National Assembly passed a Law on Women during the year, which includes provisions protecting women and children from trafficking and from domestic violence (see Section 5, Women). The country was primarily a country of origin for trafficking in persons and, to a much lesser extent, a country of transit. The primary destination country was Thailand. There was almost no effective border control. There was little reliable data available on the scope and severity of the problem until recently, when studies indicated that the scale of economic migration out of the country, mostly by young persons between the ages of 15 and 30, was far greater than previously had been supposed. About 7 percent of the total sample population in three southern provinces migrated, either seasonally or permanently; approximately 45 percent of them were male and 55 percent were female. An unknown number of these migrants were actually trafficked in some sense of the term. The studies suggest that it is not the most impoverished who are likely to migrate. A small number of citizens were trafficked to China and other third countries.

The majority of trafficking victims have been lowland Lao, although small numbers of highland minority women have also been victimized by traffickers. These groups are particularly vulnerable because they do not have the cultural familiarity or linguistic proximity to Thai that Lao-speaking workers can use to protect themselves from exploitative situations. A much smaller number of trafficked foreign nationals transited through Laos, especially Burmese and Vietnamese.

Many labor recruiters in the country were local persons with cross-border experience and were known to the trafficking victims. For the most part, they had no connection to organized crime, commercial sexual exploitation, or the practice of involuntary servitude, but their services usually ended once their charges reached Thailand, where more organized trafficking operations also operated.

There were few reports of official involvement in trafficking; however, anecdotal evidence suggested that local officials knew of trafficking activities, and some may have profited from them.

To date, the Government has prosecuted five traffickers, according to available information. All were prosecuted under other criminal statutes, since an anti-trafficking law has not yet been enacted. The Government has established an anti-trafficking police unit to investigate human trafficking cases. The police occasionally arrested both citizens and foreigners for having sexual relations outside of marriage, which is prohibited under the law. Sexual relations with foreigners are forbidden under what the

government refers to as a "special law."

The Government previously denied that there were cases of child prostitution in the country; however, in recent years it has become more actively involved in countering the worst forms of trafficking and the exploitation of underage persons, chiefly through cooperation with international NGOs working on trafficking problems.

The Ministry of Labor and Social Welfare (MLSW) has a unit devoted to children with special needs, including protection of trafficking victims and prevention of trafficking. The Ministry also maintains a small-scale repatriation assistance center for returned victims of trafficking. However, the unit's effectiveness was limited by a small budget, inadequate international assistance, and a lack of trained personnel. The MLSW and the Lao Women's Union have conducted pilot studies on anti-trafficking information campaigns and are now pursuing more active interventions in conjunction with NGOs. Financial constraints limited the contributions the Government could make, but it did offer the services of ministerial personnel and venues to NGOs doing anti-trafficking work.

The Lao Women's Union and the Youth Union, both party-sanctioned organizations, offered educational programs designed to educate girls and young women regarding the schemes of recruiters for brothels and sweatshops in neighboring countries and elsewhere. These organizations were most effective in disseminating information at the grassroots level.

Some victims have been punished for improper documentation or for crossing the border illegally. Despite a new Memorandum of Understanding with Thailand regarding border control and a decree allowing citizens to work abroad, this practice continued, especially in the provinces, where some local authorities have ordered illegal border crossers into reeducation seminars and subjected them to fines. In September, the Ministry of Public Security issued a directive forbidding the use of fines for illegal border crossing. Such fines also would be outlawed under the pending anti-trafficking law. With support from UNICEF, the National Commission for Mothers and Children continued an active program of support for victims.

#### Persons with Disabilities

With donor assistance, the Government implemented limited programs for persons with disabilities, especially amputees. The law does not mandate accessibility to buildings or government services for persons with disabilities, but the Labor and Social Welfare Ministry has established some regulations regarding building access and some sidewalk ramps in Vientiane. The Lao National Commission for the Disabled has promulgated regulations to protect the rights of persons with disabilities.

#### National/Racial/Ethnic Minorities

The Constitution provides for equal rights for all minority citizens, and there is no legal discrimination against them; however, societal discrimination persisted. Moreover, critics have charged that the Government's resettlement program for ending slash-and-burn agriculture and opium production has adversely affected many ethnic minority groups, particularly in the north. The program requires that resettled persons adopt paddy rice farming and live in large communities, ignoring their traditional livelihoods and community structures. The program has led to an active debate among international observers about whether the benefits of resettlement promoted by the Government -providing access to markets, schools, and medical care for resettles-outweigh the negative impact on traditional cultural practices.

Less than half the population is ethnic Lao, also called "lowland Lao." Most of the remainder, probably around 60 percent, is a mixture of at least 47 distinct upland hill tribes whose members, if born in the country, are citizens. There were also ethnic Vietnamese and Chinese minorities and a small community of South Asian origin, particularly in urbanized areas. The Law on Nationality provides a means for foreigners to acquire citizenship, and each year some foreigners, mostly Vietnamese and Chinese, acquire Lao citizenship. The Government encouraged the preservation of minority cultures and traditions; however, due to their remote location and inaccessibility, minority tribes had little voice in government decisions affecting their lands and the allocation of natural resources.

The Hmong are one of the largest and most prominent highland minority groups. There were a number of Hmong officials in the senior ranks of the Government and LPRP, including at least five members of the LPRP Central Committee. However, societal discrimination against the Hmong continued, and some Hmong believe their ethnic group cannot coexist with the ethnic Lao population. This belief has fanned separatist or irredentist beliefs among some Hmong. In recent years, the Government focused some limited assistance projects in Hmong areas in order to address regional and ethnic disparities in income. The Government also provided for Hmong and Khmu language radio broadcasts.

The increased number of attacks by Hmong insurgents against civilian and military targets, coupled with the outbreak of a localized uprising in Houaphanh Province in August 2003, heightened ethnic tensions and aroused the government leadership's suspicion of Hmong irredentist desires. These heightened security problems also resulted in increased efforts by security forces to eliminate scattered pockets of insurgents living in remote jungle areas. Several foreign journalists visited these groups during the year, highlighting their plight in the international press. These press articles alleged that the groups continued to be pursued by government military forces, in spite of official government denials that it was engaged in any form of military action against its citizens. Recent video evidence and witness testimony of an attack by Lao soldiers against a group of unarmed ethnic Hmong youth has added to the controversy (see Section 1.a.).

For several years, the Government has had a vaguely defined policy of giving resettlement assistance and "amnesty" to those insurgents who surrender to authorities. At least partially in response to charges that it was trying to kill all insurgent elements, the Government used family members of insurgents still living in the forest and former insurgents to approach these groups to urge them to surrender to authorities. Throughout the late 1990s and early 2000s, small groups took up this offer and received small amounts of resettlement assistance from the Government, especially in Vientiane, Bolikhamsai, and Xieng Khouang Provinces and in the Saisomboun Special Zone. In some areas, such as in Bolikhamsai, this amnesty program included job training, land, and equipment for farming. However, in some cases, this assistance was less than had been promised. Moreover, because of their past activities, amnestied insurgents continued to be the focus of government suspicion and scrutiny. The Government refused offers from the international community to assist these surrendered insurgents directly, but quietly allowed some aid from the U.N. and other international agencies to reach them as part of larger assistance programs.

The Constitution states that foreigners and stateless persons are protected by "provisions of the laws," but, in practice, they did not enjoy the rights provided for by the Constitution.

#### Other Societal Abuses and Discrimination

There is no official discrimination against persons based on their sexual orientation. Within lowland Lao society, there is wide and growing tolerance of homosexual practice, although societal discrimination persists.

The Government has actively promoted tolerance of persons with HIV/AIDS. There was no official discrimination against those with HIV/AIDS, but social discrimination existed. The Government conducted awareness campaigns during the year to educate the population and promote understanding toward those with HIV/AIDS.

#### Section 6 Worker Rights

##### a. The Right of Association

Under the law, labor unions may be formed in private enterprises as long as they operate within the framework of the officially sanctioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. However, most of the FLTU's approximately 77,000 members worked in the public sector.

The Government employed the majority of salaried workers, although this situation was changing as the Government privatized state enterprises and otherwise reduced the number of its employees. Subsistence farmers made up an estimated 85 percent of the work force.

The FLTU was free to engage in contacts with foreign labor organizations, which during the year included contacts with the Association of Southeast Asian Nations Trade Unions and the Asia-Pacific American Labor Alliance. The FLTU was a member of the World Federation of Trade Unions.

##### b. The Right to Organize and Bargain Collectively

There is no right to organize and bargain collectively. The Labor Code stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and representatives of the FLTU, with final authority residing in the Ministry of Labor and Social Welfare. Labor disputes reportedly were infrequent. The Government sets wages and salaries for government employees, while management sets wages and salaries for private business employees.

Strikes are not prohibited by law, but the Government's ban on subversive activities or destabilizing demonstrations (see Section 2.b.) made a strike unlikely, and none were reported during the year.

The Labor Code stipulates that employers may not fire employees for conducting trade union activities, for lodging complaints against employers about labor law implementation, or for cooperating with officials on labor law implementation and labor disputes, and there were no reports of such cases during the year. Workplace committees were one mechanism used for resolving complaints; however, there was no information on how effective these committees were in practice.

There are no export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced labor except in time of war or national disaster, during which time the State may conscript laborers. The Code also prohibits forced or compulsory labor by children; however, there were reports that such practices occurred (see Section 5).

##### d. Prohibition of Child Labor and Minimum Age for Employment

Under the Labor Code, children under age 15 may not be recruited for employment, except to work for their families, provided the work is not dangerous or difficult. Many children helped their families on farms or in shops, but child labor was rare in industrial enterprises. Some garment factories reportedly employed a very small number of underage girls. The Ministries of Public Security and Justice are responsible for enforcing these provisions. Enforcement was ineffective due to a lack of inspectors and other resources.

e. Acceptable Conditions of Work

The daily minimum wage was about \$0.40 (4,000 kip), which was insufficient to provide a decent standard of living for a worker and family. Most civil servants received inadequate pay. Some piecework employees, especially on construction sites, earned less than the minimum wage.

The Labor Code provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities). The Code also provides for at least 1 day of rest per week.

The Labor Code provides for safe working conditions and higher compensation for dangerous work. Employers are responsible for compensating a worker injured or killed on the job, a requirement generally fulfilled by employers in the formal economic sector. The Labor Code also mandates extensive employer responsibility for those disabled while at work. During the year, this law was enforced adequately. Although workplace inspections reportedly have increased over the past several years, the Ministry of Labor and Social Welfare lacked the personnel and budgetary resources to enforce the Labor Code effectively. The Labor Code has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

There were a number of illegal immigrants in the country, particularly from Vietnam and China, and they were vulnerable to exploitation by employers. Some illegal immigrant Vietnamese children worked selling goods on the streets of Vientiane.